

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lee, et al.



Appl. No.: 09/697,123

Filed: October 27, 2000

For: rPOB Gene Fragments and a Method for the  
Diagnosis and Identification of Mycobacterium  
Tuberculosis and Non-Tuberculosis  
Mycobacterial Strains

Art Unit: 1655

Examiner: D. Johannsen

Atty. Docket: 0217-0004

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Assistant Commissioner of Patents  
Washington, D.C. 20231  
Box SEQUENCE

Sir:

In response to the communication of December 4, 2001, Applicants submit the following:

1. Copy of Notice to Comply With Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Statement to Support Filing and Submission in Accordance With 37 C.F.R. §§  
1.821-1.825;
3. Paper copy of the sequence listing; and
4. Electronic copy of the sequence listing on diskette.

If there are any fees due in connection with the filing of this response, please  
charge the fees to our Deposit Account No. 50-0622. If a fee is required for an

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Jana

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extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

SHANKS & HERBERT



Shelly Guest Cermak  
Reg. No. 39,571

Date: 1-4-02

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314  
(703) 683-3600

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STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box SEQUENCE

Sir:

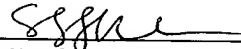
In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

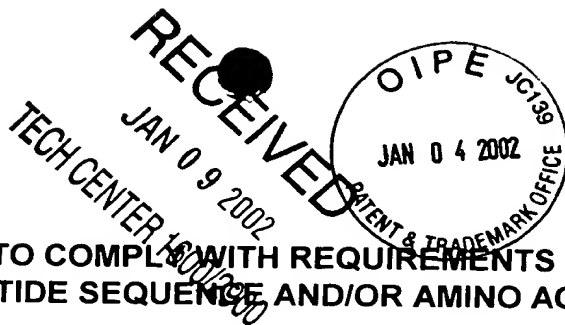
Respectfully submitted,

SHANKS & HERBERT

By:   
Shelly Guest Cermak  
Reg. No. 39,571

Date: 1-4-02

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314  
(703) 683-3600



Application No.: **09/697,123**

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same as, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**